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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4TH DAY OF JUNE 1998

BEFORE

THE HON'BLE Mr. JUSTICE H.L. DATTU

WRIT PETITION No. 14633/1998

BETWEEN:

B. Bala Raju  
s/o. Banma Raju,  
aged about 23 years,  
Ramajogehalli,  
M.D. Koti P.O.,  
Hiriyur Taluk,  
Chitradurga Dist.

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... PETITIONER

(By Sri B.B. Mandappa, Adv.)

AND :

1. The Deputy Commissioner  
Chitradurga Dist.,  
Chitradurga.

2. M. Thippeswamy  
s/o. Maliappa,  
aged 26 years,  
Ramajogehalli,  
M.D.Kote P.O.,  
Hiriyur taluk,  
Chitradurga dist.

... RESPONDENTS

(By Sri T.J. Mariappa, adv., for  
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This writ petition is filed under Article 226 of the Constitution of India with a prayer to quash annexure L dated 17.04.1993 and etc.

This writ petition coming on for preliminary hearing this day, the Court made the following;

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ORDER

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By consent of the learned counsel appearing for the parties to the lis, the matter is taken up for final hearing.

2. Petitioner a licensee under the provisions of the Karnataka Essential Commodities Control Order 1992, is before this Court being aggrieved by the orders made by the Deputy Commissioner, Chitradurga, dated 17.04.1998.

3. Petitioner has a right of appeal against the orders made by the Deputy Commissioner under the provisions of the Karnataka Essential Commodities Control Order. The said remedy provided under the Order itself is not only effective but an efficacious remedy. In my view without exhausting the alternative, effective and efficacious remedy provided under the Order itself petitioner could not have approached this Court being aggrieved by the orders made by the Deputy Commissioner, Chitradurga.

4. In that view of the matter, without expressing any opinion on the correctness or otherwise of the orders made by the Deputy

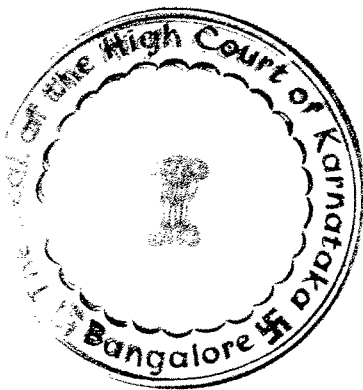
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Commissioner dated 17.04.1998, this writ petition is disposed off reserving liberty to the petitioner to prefer an appeal against the orders made by the authorised officer within a month from today. If such an appeal is preferred by the petitioner within the time granted by this Court, the appellate authority will decide the appeal on merits without reference to the period of limitation.

With these observations writ petition is disposed off. Ordered accordingly.

Sd/-  
JUDGE



LRS/WP14633.98/050698.